



U.S. Department of Justice

United States Attorney
Southern District of New York

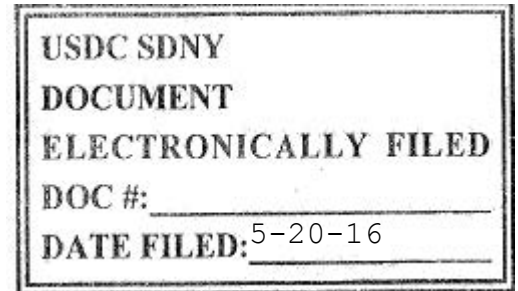
MEMO ENDORSED

86 Chambers Street
New York, New York 10007

May 19, 2016

By ECF and Hand Delivery

Honorable William H. Pauley III
United States District Judge
United States Courthouse
500 Pearl Street
New York, New York 10007



Re: *Ganek v. Leibowitz, et al.*, 15 Civ. 1446 (WHP)

Dear Judge Pauley:

This Office represents the Defendants in the above-referenced matter, a lawsuit filed by Plaintiff David Ganek against 15 current and former federal employees in their individual capacities pursuant to *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971). On May 13, 2016, the Court issued an order cancelling the status conference that had been scheduled for May 17, 2016, “[i]n view of Defendants’ decision to take an interlocutory appeal, as well as Plaintiff’s concession that discovery should be stayed.” *See* Dkt. No. 65. The May 13, 2016, order directed the parties to advise the Court as to whether there is a need to convene to discuss any issues. The parties now write respectfully to inform the Court that there are no issues requiring a conference at this time.

Via this letter, however, Defendants seek to address one matter that otherwise would have been resolved at the status conference. Defendants’ current deadline to answer the complaint is May 31, 2016. As set forth in the parties’ April 27, 2016, letter (which was endorsed by the Court on April 28, 2016), Defendants intended to ask the Court at the May 17, 2016, conference to adjourn the answer deadline *sine die* in the event all Defendants appealed the Court’s March 10, 2016, memorandum and order. *See* Dkt. Nos. 60, 62. All Defendants now have elected to pursue an appeal. *See* Dkt. No. 63. Accordingly, Defendants respectfully request that their deadline to answer the complaint be adjourned sine die, pending the outcome of the appeal. This is Defendants’ third request to extend their deadline to answer the complaint, and counsel for Plaintiff consents to the requested extension. Defendants’ previous requests were granted on March 18, 2016, and April 28, 2016. *See* Dkt. Nos. 58, 62.

Application granted.

SO ORDERED:

WILLIAM H. PAULEY III
U.S.D.J.

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We thank the Court for its consideration of and attention to this matter.

Respectfully submitted,

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Southern District of New York

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